

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Claudia Quigley	Team: Team # 7	CCRB Case #: 200607454	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/03/2006 2:32 PM	Location of Incident: Buel Avenue and North Railroad Avenue	Precinct: 122	18 Mo. SOL 12/3/2007	EO SOL 12/3/2007	
Date/Time CV Reported Wed, 06/07/2006 10:37 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/07/2006 10:37 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Chad Manzi	17796	929443	122 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM George Shammas	02781	935730	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Chad Manzi	Abuse: PO Chad Manzi forcibly stopped § 87(2)(b)	
B. An officer	Abuse: An officer drew his gun.	
C. An officer	Force: An officer struck § 87(2)(b) with a gun.	

Synopsis

§ 87(2)(b) called the Internal Affairs Bureau (IAB) on June 7, 2006, to file a complaint on behalf of her boyfriend, § 87(2)(b). § 87(2)(b) did not witness the incident. § 87(2)(b) stated that on June 3, 2006, at approximately 2:30pm, he was standing in a bus stop in the vicinity of Buel Avenue and North Railroad Avenue in Staten Island. The investigation revealed that upon seeing the officers, § 87(2)(b) took off running. PO Chad Manzi chased § 87(2)(b) and forcibly stopped him (Allegation A). § 87(2)(b) alleges that an unidentified officer drew his gun, ran towards him, tackled him, and hit his head with the gun causing an open laceration (Allegations B and C). § 87(2)(b) also alleges that officers planted evidence against him. This part of the case was brought to the attention of IAB in log # 06-19336. § 87(2)(b) identified PO Chad Manzi by shield number and stated that PO Manzi arrived at the scene after the unidentified officer hit him with the gun. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)'s call to IAB on June 7, 2006 (encl. 7A-B)

§ 87(2)(b) called IAB on June 7, 2006, to file a complaint on behalf of her boyfriend, § 87(2)(b) who was arrested and sent to Rikers Island on June 3, 2006. § 87(2)(b) stated that § 87(2)(b) informed her that he was at a bus stop when an unidentified officer drove up with another male and the male stated, "He is the man that robbed me." § 87(2)(b) told § 87(2)(b) that the unidentified officer struck him behind his left ear with a firearm. § 87(2)(b) complained to § 87(2)(b) of dizziness, blurred vision, and headaches.

Results of Investigation

Victim's Statements

§ 87(2)(b)'s complaint to the CCRB received on June 15, 2006 (encl. 9A)

§ 87(2)(b) wrote to the CCRB that on June 3, 2006, he was transferring buses in Staten Island at approximately 2:30pm, when an officer stopped him. The officer told him to get to the ground and § 87(2)(b) did not refuse or resist. The officer hit § 87(2)(b) in the head very hard with his gun and knocked § 87(2)(b) to the sidewalk. Then the officer and other officers started placing items beside § 87(2)(b). § 87(2)(b) had never seen these items. The officers also asked him questions that he knew nothing about.

§ 87(2)(b) was interviewed over the phone by the CCRB on August 11, 2006 (encl. 10B)

§ 87(2)(b) is incarcerated at § 87(2)(b). § 87(2)(b)'s home address is § 87(2)(b). § 87(2)(b) had his statement notarized and returned it to the CCRB.

On June 3, 2006 § 87(2)(b) was wearing a black jacket, a cream colored shirt, and gray pants. He went to Staten Island to meet with a group of people he met in a chat room over the internet. Their online names were § 87(2)(b) and § 87(2)(b). There were additional people coming to the meeting but § 87(2)(b) did not know their names. § 87(2)(b) was not entirely sure where he was meeting his internet friends, and stated that it was possible that the meeting was at a pizzeria on Jefferson Avenue. At approximately 2:30pm, § 87(2)(b) got off at the wrong bus stop somewhere in the vicinity of Buel Avenue and North Railroad Avenue. According to § 87(2)(b) he was walking around the bus stop, waiting for the right bus, when he observed, through his peripheral vision, an uniformed officer (PO1) running towards him with his gun drawn and pointed down. The officer was a white male, with black hair, about 6'tall and weighed between 170 and 225lbs. His body was built and he could have been Italian or a white Hispanic. He also seemed to have a mustache. PO1 screamed, "freeze." At first § 87(2)(b) did not know whether the officer was screaming at him so he continued walking. PO1 continued running

towards § 87(2)(b) and upon reaching him, he tackled § 87(2)(b) at the same time that he hit § 87(2)(b) with his gun somewhere around the back of § 87(2)(b)'s head, towards the left side and slightly towards the top.

§ 87(2)(b) fell face down to the ground and was dazed by PO1's hit. He felt PO1 on top of him and thought that PO1 hit him twice more but he was too dizzy to remember any details. He became aware that PO1 reached into his pockets and took his cell phone. At this point another officer (PO2) identified by § 87(2)(b) as PO Chad Manzi from his shield, arrived on the scene. § 87(2)(b) alleged that PO Manzi placed various items around him, including a pair of black gloves. A few seconds later a patrol car pulled over and an officer (PO3) in a white shirt exited the car with a civilian. PO3 was a white male, with white grayish hair, about 5'8 and slim. The civilian was an older gentleman whose name may have been Cohen. § 87(2)(b) recalled this because he received an order of protection to stay away from the civilian. PO1 and PO Manzi picked up § 87(2)(b) to be inspected by the civilian. § 87(2)(b) was bleeding from his head wound. § 87(2)(b) stated that the civilian did not recognize him as the perpetrator and stated as much to PO3. The civilian told PO3 that he did not see the robber's face and was not sure if § 87(2)(b) was the perpetrator. PO3 began screaming at the civilian about his lack of recollection. Eventually the civilian and PO3 got into the patrol car and left the scene.

PO1 and PO Manzi placed § 87(2)(b) in a patrol car and took him to the 122nd Precinct stationhouse. § 87(2)(b) recognized the officer at the desk as PO3. PO1 told PO Manzi to take the case, therefore, PO Manzi was registered as the arresting officer. § 87(2)(b) was placed in a cell and he requested medical attention but the officers ignored him until 1:00am when EMS came and transported him to § 87(2)(b). § 87(2)(b) stated that he had an open wound on his head but he was not given stitches or proper medical attention because the officers seemed to know the nurse. The medical report was not accurate regarding § 87(2)(b)'s condition. § 87(2)(b) explained that he received head trauma, swelling, and multiple contusions. His left eye was swollen and he was feeling a lot of pain in the neck from the blunt force used against him. None of these details were taken into account. § 87(2)(b) was charged with attempted robbery and sent to Rikers Island. He was convicted on § 87(2)(b) and transferred to § 87(2)(b). § 87(2)(b) stated that PO1's name was Fumar or something similar.

§ 87(2)(b)'s arrest photo does not show any bruising, swelling, or lacerations on his face (encl. 11A).

Officer Identification

PO Chad Manzi was identified as the arresting officer and PO Manzi identified PO George Shammass as his partner during his CCRB interview.

Officers' Statements

PO Chad Manzi's complaint report narrative on June 3, 2006 (encl. 13A)

At time and place of occurrence the perpetrator did remove a bag containing \$10,479.00 in US currency from victim by knocking victim to the ground. The perpetrator did flee the location on foot, running through backyards and damaging the patios in the rear of 402 North Railroad Avenue and 404 North Railroad Avenue.

PO Chad Manzi's arrest report narrative on June 3, 2006 (encl. 14A)

At time and place of occurrence the perpetrator did forcefully remove brown bag from the victim, containing \$10,479.00 in US currency without permission or authority. The perpetrator did flee the scene on foot, traveling through backyards and damaging patios in two separate backyards.

PO Chad Manzi was interviewed at the CCRB on December 6, 2006 (encl. 16B-C)

On June 3, 2006, PO Manzi worked 0705 x 1540 hours. PO Manzi was assigned to patrol sectors H, I, and J and his partner was PO George Shammass. Both officers were in uniform and were assigned to a marked vehicle. PO Manzi noted in his memo book (encl. 12A): "1343 respond to 10-30 26 Liberty Avenue. 1432 1 under. Omitted entries [PO Manzi explain that the following entries were copied from PO Shammass's memo book as he did not have time to write in his memo book at the scene, the reason why he noted the omitted entries.] 1400 show up at Buel and North Railroad victim Coehn negative results. 1409 show up witness Amira Alkhatib positive results "That's him." 1445 bag with money in rear of 31 Buel. 1448 green bandana handed it to me from Staten Island Task Force found in rear of 31 Buel."

According to PO Manzi, on June 3, 2006, at approximately 2:32pm, he was at the 122nd Precinct stationhouse when a radio run came over for a 10-30 (robbery in progress) at 26 Liberty Avenue in Staten Island. PO Manzi and PO Shammas drove to the location; PO Shammas was the driver. The officers drove up Hylan Boulevard and made a left turn onto Buel Avenue with their sirens on. As they drove underneath the railroad tracks a white male waved them down near the intersection of North Railroad Avenue and Buel Avenue. The officers pulled over and the unidentified male told them that he saw the individual the officers were looking for. The male told them that the individual “was a black male with a green bandana, wearing a green shirt and black sunglasses.” The male informed the officers that he saw the individual running through the backyards and he pointed towards the direction of the train trestle. The officers turned their vehicle around and drove that way. As the officers approached the train trestle, they observed a black male wearing a green shirt coming out of a side yard of a house located on the corner of Buel Avenue and N. Railroad Avenue. PO Manzi got out of the vehicle and told the male not to run but the male, later identified as § 87(2)(b) turned around, and ran back into the yard. PO Manzi took off after him, while PO Shammas drove away to circle the block.

PO Manzi chased § 87(2)(b) and observed him hop the fence and go into the next yard. PO Manzi attempted to pursue him over the fence but at that point he dropped his radio, so he stopped to pick it up. He observed, through the fence, that § 87(2)(b) ran back around to the front of the house and onto N. Railroad Avenue. PO Manzi communicated to PO Shammas that § 87(2)(b) was going back towards N. Railroad Avenue. He then proceeded to exit the backyard the way he came in to go onto Buel Avenue and ran around the house to N. Railroad Avenue. As he approached he observed § 87(2)(b) running directly in front of him, across Buel Avenue, towards another backyard. § 87(2)(b) tried to re-enter a backyard, but as he was trying to open the fence, PO Manzi caught up to him and jumped on top of him. § 87(2)(b)'s back was towards PO Manzi, therefore, PO Manzi jumped on his back and both of them went down. § 87(2)(b)'s side hit the ground with PO Manzi right next to him. They fell to the ground in front of the fence, which § 87(2)(b) had opened, and began struggling. PO Manzi had his radio in his hand when he jumped on § 87(2)(b) however, his radio never made contact with § 87(2)(b)'s head. PO Manzi stated that he was not aware of any injuries to § 87(2)(b) as a result of the fall.

§ 87(2)(b) was resisting slightly but he was tired from running, therefore PO Manzi did not have much difficulty in handcuffing one arm, but was having difficulties getting the other arm because § 87(2)(b) was pulling it away. Throughout the struggle, § 87(2)(b) was saying he did not do anything. At this point, PO Shammas arrived on the scene, grabbed § 87(2)(b)'s other arm, and they were able to secure him. § 87(2)(b) was searched incident to the arrest and PO Manzi recovered a pair of sunglasses, a pair of gloves and keys. After the arrest, additional officers arrived at the scene along with the victim, § 87(2)(b). § 87(2)(b) stated that he could not ID § 87(2)(b) because he had gotten hit from behind. A few minutes later the officers brought witness § 87(2)(b) and she pointed out § 87(2)(b) as the perpetrator. According to PO Manzi, § 87(2)(b) was not injured in any way and the officers did not have to take him to the hospital. PO Manzi and PO Shammas did not transport § 87(2)(b) to the stationhouse. PO Manzi did speak to him later at the stationhouse for questioning, but did not notice any injuries and § 87(2)(b) did not request any medical attention. PO Manzi was not aware of whether § 87(2)(b) was taken to the hospital later on because he left the stationhouse at 3:40pm.

Upon further questioning, PO Manzi stated that other officers responded to the robbery and were en route to the location, however, he and PO Shammas were the first officers at the scene. There were no other officers around when § 87(2)(b) was apprehended. PO Manzi stated that he did not know the name of the male that waved them over. He stated that this male was neither the victim nor a witness to the crime. He was just a guy that observed § 87(2)(b) running through the backyards and thought he was suspicious. Neither PO Manzi nor PO Shammas had time to acquire the male's information. PO Manzi stated that § 87(2)(b) was a bank customer who was on line when § 87(2)(b) robbed § 87(2)(b) in front of the overnight deposit window. PO Manzi stated that he did not hit § 87(2)(b) with his gun at any point and neither did PO Shammas, nor did the officers kick or punch § 87(2)(b). PO Manzi stated that the money was found by other officers about a block away from where the officers first encountered § 87(2)(b).

PO George Shammas was interviewed at the CCRB on January 8, 2007 (encl. 17B)

According to PO Shammas, on June 3, 2006, at approximately 2:32pm, while traveling east bound on Hylan Boulevard with PO Manzi as the passenger, the officers received a radio call of a robbery in progress around Richmond Road and Liberty Avenue in Staten Island. The perpetrator was a black male in a neon green hooded sweatshirt. PO Shammas turned left onto Buel Avenue and drove northbound. A few minutes later, a white male waved the officers down and asked them if they were looking for a black male in a neon green sweatshirt. When the officers told him they were, he informed them that he saw the individual fitting that description in a backyard, indicating the backyard behind the officers. PO Manzi ran out and entered the backyard at which point he observed said individual, later identified as § 87(2)(b) § 87(2)(b) fled and PO Manzi took off after him. PO Shammas stayed in the vehicle and did a perimeter around the block. When he drove back to Buel Avenue he observed PO Manzi running after § 87(2)(b) § 87(2)(b) ran across the street towards another backyard. Once he reached it, he tried to open the gate but PO Manzi was on top of him, grabbed him, and brought him to the ground. PO Manzi did this by grabbing § 87(2)(b)'s left arm, twisting it to the back and pushing him to the ground.

Upon further questioning, PO Shammass stated that he did not know who the white male was and did not get any information from him. PO Shammass stated that he did not observe any injuries on § 87(2)(b) and neither did § 87(2)(b) ask to be taken to the hospital or complain of any injuries. PO Shammass stated that DI James Klein was on the scene, but did not know the names of the sergeants or the lieutenants on the scene. PO Shammass stated that neither he nor PO Manzi hit § 87(2)(b) with a gun, kicked, or punched him. PO Shammass stated that the officers did not draw their guns at any point because it was not a gun involved robbery. PO Shammass stated that he ask § 87(2)(b) if he needed medical attention and he said no. PO Shammass stated that it is routine to ask in case the prisoner suffered any injury not visible to the eye. PO Shammass transported § 87(2)(b) to the stationhouse and finished his tour at 4:50pm. § 87(2)(b) was charged with robbery, pled guilty, § 87(2)(b) § 87(2)(b).

§ 87(2)(b) was admitted to § 87(2)(b) According to the medical records § 87(2)(b) was in police custody. The diagnosis was:

- ## Police Documents

- Complaint UF 61 (encl. 13A-D) – According to the report, § 87(2)(b) stole \$ 10,479.00 from Bernard Coehn on June 3, 2006.
- Arrest Report (encl. 14A-B) - According to the report, § 87(2)(b) stole \$ 10,479.00 from Bernard Coehn on June 3, 2006.
- Voucher (encl. 15A) – A bank deposit bag with \$10,749.00 was found in the rear of 31 Buel Avenue.
- Roll Call (encl. 19A-B) – PO Manzi and PO Shammass present for duty on June 3, 2006.
- Command Log (encl. 20A) – § 87(2)(b) was logged in at 1430 hours, charged with robbery, and his physical/mental condition was apparently normal.

- Sprint Printout and communications CD (encl. 21A-E)

➤ First 911 call:

Female caller contacted 911 operator and stated that she saw somebody get robbed at Liberty Avenue between Richmond Road and Hylan Boulevard, in Staten Island. The female saw the perpetrator grab a male coming out of the bank, he pushed the male to the floor, took his money and ran. The perpetrator was a black male, wearing a lime green cap, a lime green shirt, a black sweatshirt, and black jeans. The victim got into a white Mercedes and chased the perpetrator down Liberty Avenue, towards Hylan Boulevard.

➤ Second 911 call:

A second female caller contacted the operator and stated that a man just got robbed at an ATM machine on 26 Liberty Avenue and Richmond Road. The perpetrator was a black male wearing an electric green bandana, green shirt, and a black jacket. The perpetrator ran into a backyard towards the Berryhome Projects. The perpetrator took the brown paper bag with money. According to the recording, the perpetrator ran back out of the backyard when the female was on the phone with the operator. The female observed that the perpetrator had taken off the green bandana and did not have the brown paper bag with him. She assumed that he dropped it somewhere in the backyard. There were multiple people talking in the backyard and one male asked if they should hit him with the car but somebody told him not to. The perpetrator took off again towards the projects. The female stated that the bank was Staten Island Savings Bank located at the corner of Richmond Road and Liberty Avenue. The female stated that the male victim was in his car, a white Mercedes, and he was told by the female's husband to wait for the police.

➤ Police Radio Transmission:

The operator called units to respond to a 30 (robbery in progress) at 26 Liberty Avenue and Richmond Road. The perpetrator of the robbery fled into a backyard towards the projects. He was a male black, wearing a black jacket, a green T-shirt, and a green bandana. He had the money in a brown paper bag. Units responded to the location and were informed that the victim was in front of the savings bank. The perpetrator grabbed the victim, pushed him down and took his money. Police officers from sector H called in, stating, out of breath, that they got the perpetrator by the train station railroad at Buel Avenue and North Railroad. The operator sent back up and then called it off, stating that the perpetrator was handcuffed and no more units were needed. A sergeant responded to the location and they were waiting for the victim to be brought to the location to ID the perpetrator. The operator called for the units to open Richmond Road to traffic.

Case Disposition (encl. 22A-F)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Complainant's CCRB History

This is [§ 87(2)(b)] and [§ 87(2)(b)]'s first CCRB complaint (encl. 4A, 5A).

Subject's CCRB History

PO Manzi does not have any substantiated CCRB allegations (encl. 3A)

Conclusions and Recommendations

Undisputed Facts and Disputed Facts

It is not in dispute that [§ 87(2)(b)] was arrested on June 3, 2006, and charged with robbery. It is not in dispute that the first officers at the scene were PO Manzi and PO Shammas. [§ 87(2)(g)] [§ 87(2)(b)] claims that PO Manzi arrived on the scene after he was on the ground and that he identified PO Manzi from his shield number. [§ 87(2)(g)]

Credibility Analysis

§ 87(2)(g) On his first account to § 87(2)(b) which she provided to IAB (encl. 7A), he alleged that an officer and a civilian approached him and identified him as the perpetrator of a robbery. The officer then struck § 87(2)(b) with a gun. On his written account (encl. 9A), § 87(2)(b) omitted the civilian's part and went on to state that the officer asked him to "get on the ground," and § 87(2)(b) complied. § 87(2)(b) § 87(2)(g) stating that he was then "hit in the head very hard with the gun and knocked down to the side walk." This contradicting his previous claim that he lay down on the ground as instructed. Then during his in person interview, § 87(2)(b) alleged that he observed the officer running towards him with his gun drawn, stated "freeze," yet § 87(2)(b) continued walking. § 87(2)(b) was then tackled and hit in the head, maybe more than once, but his recollection was blurry. § 87(2)(b) alleged that the officers planted evidence around him and denied the robbery charges. § 87(2)(b) also alleged sustaining an open injury to his head, swelling, multiple contusions, and a swollen left eye. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) The arrest photo shows that § 87(2)(b) fit the description, he had on a dark-colored jacket and a T-shirt with lime green coloration on it. The officers also found the bag with the money in the vicinity of § 87(2)(b)'s apprehension. Moreover, the police communications recording indicated that PO Manzi conducted a chase and he can be heard communicating over the radio that he apprehended § 87(2)(b). His out of breath statement further supports the officers' account that § 87(2)(b) had to be chased.

Allegations Not Pled

§ 87(2)(g)

Pleading of Allegations

§ 87(2)(g)

Allegation A: PO Chad Manzi forcibly stopped § 87(2)(b)
PO Manzi stated that he conducted a foot pursuit of § 87(2)(b) who took off running upon observing the officer. PO Manzi was able to apprehend § 87(2)(b) by tackling him and preventing him from entering another backyard. According to Penal Law Article 35.27 and 35.30 (encl. 2A)

A person may not use physical force to resist an arrest, whether authorized or unauthorized, which is being effected or attempted by a police officer...A police officer, in the course of effecting an arrest, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force.

§ 87(2)(g)

Allegation B: An officer drew his gun.

§ 87(2)(b) alleged that he observed an officer running towards him with his gun drawn. Yet, § 87(2)(b)

§ 87(2)(b) failed to make this allegation in his written statement. § 87(2)(g)

Allegation C: An officer struck § 87(2)(b) with a gun.

§ 87(2)(b) alleged that he was hit in the head with a gun by an officer, causing an open laceration to his head. PO Manzi and PO Shammass deny having their guns in their hand or hitting § 87(2)(b) with the gun. The medical records do not report any major injuries on § 87(2)(b). According to the records, he only sustained a muscle strain, finger contusions and scalp tenderness. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: